

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,  
NUMBER 04-53, ALAN C. TODD

CASE NO.: SC04-1655

AFFIDAVIT

STATE OF FLORIDA )

COUNTY OF ORANGE)


BEFORE ME, a Notary Public for the State of Florida, personally appeared

Russell F. Bergin, who after being first duly sworn, deposes and says that:

1. I am over the age of eighteen (18) years.
2. I am a resident of the State of Florida.
3. I am an attorney licensed to practice law in Florida since 1991. I have known Judge Todd since the time I first became an attorney. I began my legal career as a prosecutor assigned to the Criminal Misdemeanor Court in Orange County, Florida.
4. As a young prosecutor I was guided by Judge Todd regarding the proper role of an attorney, a prosecutor, and an advocate in the judicial system. I have had the opportunity to observe Judge Todd on many occasions both in court and out of court. I have had the opportunity on many occasions to observe Judge Todd interact with clerks, court reporters, court deputies, prosecutors, defense attorneys, defendants, witnesses and members of the general public.

5. I have read the Notice of Formal Charges against Judge Todd in this matter.
6. I do not have any personal knowledge of any of the specific events described in the Notice of Formal Charges.
7. However, I have had the opportunity on many occasions to observe Judge Todd and I strongly disagree with the claim that Judge Todd exhibits a pattern of make rude, intemperate and demeaning comments.
8. Based on my observations of Judge Todd, I have never observed Judge Todd exhibit a pattern of making rude, intemperate, or demeaning comments.
9. To the contrary, in my experience, Judge Todd is one of the most compassionate, caring judges we have had in Orange County since I became an attorney. We do not have any judge in Orange County who cares more about the people practicing or appearing before him than Judge Alan C. Todd. In my experience, Judge Todd has always cared about every individual who has appeared before him. Judge Todd has been a credit to the Orange County bench because of his concern for the circumstances of all individuals who appear before him.
10. I have reviewed the specific facts contained in the Notice of Formal Charges. Although I do not excuse these alleged facts if they are accurate and taken in their proper context, I do not believe these comments accurately reflect the overall character or temperament of Judge Todd as a jurist.

11. In considering Judge Todd's overall service as a judge in Orange County throughout his tenure, Judge Todd is a credit to our judiciary.

  
\_\_\_\_\_  
Russell F. Bergin, Esquire  
111 N. Orange Ave., Ste. 875  
Orlando, FL 32801  
Telephone: (407) 839-6294  
Florida Bar No.: 0887560

SWORN AND SUBSCRIBED before me by

RUSSELL F. BERGIN, this 30th

day of SEPTEMBER, 2005.

NOTARY PUBLIC- State of Florida at Large

My Commission Expires: Nov. 5, 2008

Printed or Typed Name: CHRISTIE L. RODRIGUEZ

Personally known ☒ Produced I.D. ( )

Type of I.D. Produced: \_\_\_\_\_

Took Oath ☒ Yes ( ) No



Christie L. Rodriguez  
My Commission DD361282  
Expires November 05, 2008

## AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE ME, the undersigned authority, personally appeared JAMES M. CAMPBELL, to me well known and who by me being first duly sworn, deposes and says:

1. I, James M. Campbell, have been a practicing attorney in the State of Florida since December, 1972. I have maintained an active practice for over 33 years here in the Orlando area.

2. I have read the allegations of the Formal Charges.

3. I have known Judge Alan Todd since coming to Orlando in 1972, and have appeared in front of Judge Todd after he was appointed Judge on an untold number of cases. My practice consists of criminal and domestic relations.

4. I have known Judge Todd's family for approximately 20 years, as Judge's Todd son, Chris, and my son, Matthew, were friends in high school and college, and continue to maintain close contact.

5. In my opinion, Judge Todd maintains the highest respect in the community, both as a jurist and as a person. Judge Todd has a wonderful family and he is well respected in the City of Winter Park.

6. As an attorney appearing in front of Judge Todd, I have always felt that my clients were dealt with in a very professional and courteous manner. Judge Todd cares about people, he goes to great lengths to try to work cases out for the benefit of all concerned.

7. After having read the allegations made by the various persons against Judge Todd, I was somewhat shocked at these allegations. I have spent a lot of time in Judge Todd's courtrooms and never has there been any comments such as those attributed to him in the Complaint against him. I believe Judge Todd's only fault would be that he is a gregarious person who likes to engage in conversation and is interested in every person that walks in his courtroom. He treats all people alike, no matter what their race, color, creed or economic standing may be. He has always been very courteous to all the staff, bailiffs, attorneys and court reporters.

8. I have never seen him exhibit any behavior other than that of a model judge. I have personally remarked on many occasions over the years that if all Judges were like Judge Todd, my life would be a lot easier.

9. Judge Todd is a very intelligent and knowledgeable jurist, who loves the challenge of an interesting point of law. I believe that Judge Todd has the utmost respect for women.

10. I think the true test of a judge is if you look at the judge and determine whether you would want to have your fate in this man's hands. I would have no hesitation whatsoever about having Judge Todd deciding my personal fate in any case. I believe I have a pulse on the local criminal defense bar and I have never heard anything but positive comments about Judge Todd.

11. I would be more than willing to appear in front of the commission or any persons to support Judge Todd, as I feel these allegations are totally unfounded, and I believe that if the comments were made, that they were taken completely out of context of what his intention was.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
JAMES M. CAMPBELL

SWORN TO and subscribed before me  
this ~~27~~ day of September, 2005.

  
Notary Public



Printed, typed or stamped name  
of officer

My Commission Expires:

  X   Personally Known   OR  
       Produced Identification

Type of Identification Produced: \_\_\_\_\_



## CITY OF WINTER PARK POLICE DEPARTMENT

June 24, 2004

Mr. Chandler Muller  
1150 Louisiana Avenue  
Winter Park, FL 32789

Dear Mr. Muller:

I have known Judge Alan Todd on both a personal and professional level for more than thirty years. I have always found him to be professional and a person of high integrity.

Sincerely,

Charles A. Crampton  
Lieutenant

CAC/rb

500 NORTH VIRGINIA AVENUE  
TEL (407) 599-3272



WINTER PARK, FLORIDA 32789  
FAX (407) 599-3661

**JOSEPH W. DUROCHER**

ATTORNEY AT LAW

3563 EMERYWOOD LANE  
ORLANDO, FLORIDA 32812

PHONE: 407.859.0386  
FAX: 407.812.7191  
E-MAIL: pdjwd@aol.com

June 23, 2004

C/o Chandler R. Muller, Esq.  
Attorney at Law  
1150 Louisiana Ave., Ste 2  
Winter Park, FL 32789

Re: Orange County Judge Alan C. Todd

To whom it may concern:

This letter is written in support of Judge Alan Todd, whom I have known for over twenty-five years. During the years I served as Public Defender of the Ninth Judicial Circuit (1981 through 2000), I worked with him on a regular basis. It is my personal opinion that Judge Todd is a capable, conscientious and compassionate member of the local judiciary.

I have no personal knowledge of any current controversy or complaint regarding Judge Todd. However, I do know from many years of observation and contact that Alan Todd cares about every person who appears in his court. He has distinguished himself as a judge who seeks to resolve cases fairly. My assistant public defenders assigned to this court regularly reported the judge's courtesy, interest and concern for our clients. Therefore I am pleased to endorse and support Judge Alan Todd's continued service in the Orange County Court.

Please contact me if I may be of further service.

Sincerely,



Joseph W. DuRocher

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, :  
NO.04-53 ALAN TODD :

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Case No.:SC04-1655

**AFFIDAVIT OF LISA A. FRANCHINA**

State of Florida  
County of Orange

**COMES NOW**, the Affiant, Lisa A. Franchina, Esquire, of 209 East Ridgewood Street, Orlando, Florida 32801, who states:

1. I am an attorney in good standing practicing law in Orange County, Florida since May of 1990.
2. That I was an assistant public defender with the Orange County Public Defender's Office from May 1990 to May 1993.
3. That since leaving the Public Defender's Office in 1993 I have engaged in private practice, primarily in the areas of criminal and family law.
4. That during my time with the Public Defender's Office, I was for a period of time assigned to the traffic division as the sole public defender in Judge Todd's courtroom. During this time I had the opportunity to interact with Judge Todd on a daily basis and to observe Judge Todd's interaction with Defendants, other attorneys, juries, and court personnel including deputies, clerks, and Court reporters.



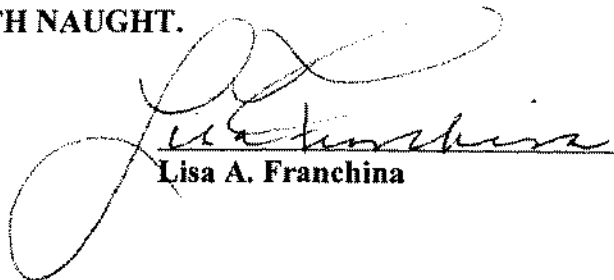
5. Judge Todd treated all person appearing and working in his courtroom with respect and compassion and was cordial at all times. I never observed Judge Todd treat anyone in an inappropriate or disrespectful manner and in fact, Judge Todd went out of his way to make everyone feel comfortable.
6. I have appeared before Judge Todd on numerous occasions while I have been in private practice and his conduct on those occasions has never been inappropriate. Judge Todd has always been cordial and respectful. I have never observed Judge Todd criticize or demean anyone and in fact , I have observed Judge Todd compliment Court personnel on a regular basis in order to show his appreciation for their hard work in his courtroom.
7. Judge Todd has always enjoyed an excellent reputation among the attorneys who practice before him and I have never heard any complaints about his behavior either from Court personnel, attorneys, or litigants.
8. As an assistant public defender , I had the opportunity to observe certain things that Judge Todd went out of his way to do in order to relieve the defendants' stress and to make them feel more comfortable. For example, Judge Todd required his public defenders to accompany him to arraignments in some of the outlying courthouses so that no defendant would ever feel compelled to make a decision about entering a plea without the benefit of legal advice beforehand. No other judge was doing this at the time. Additionally, Judge Todd consistently spent a greater amount of time at arraignments than other judges so that defendants never felt rushed and were encouraged to ask all questions they felt necessary in order to make an informed decision.
9. That I have had an opportunity to read the complaint that the Judicial Qualifications Committee filed against Judge Todd. I was not present on the occasions referenced in the complaint, however, I do not believe that Judge Todd would ever make any

statements in any attempt to demean or embarrass anyone and my experience with Judge Todd has been just the opposite.

10. Judge Todd is an excellent judge and an asset to the bench and in my experience has treated everyone in his courtroom with fairness and respect. He enjoys an excellent reputation in the legal community and other that the complaint filed by the JQC, I have never heard anyone criticize Judge Todd or complain that they were treated inappropriately.


**FURTHER AFFIANT SAYETH NAUGHT.**

State of Florida  
County of Orange

  
**Lisa A. Franchina**

**BEFORE ME** the undersigned authority did personally appear **Lisa A. Franchina**, who is personally known to me and after being duly sworn acknowledges and affirms that she has read and executed the foregoing Sworn Affidavit and all facts contained therein are true and correct.

September, 2005, in the County and State last aforesated. **SWORN TO AND SUBSCRIBED BEFORE ME** this 21<sup>st</sup> day of

  
Notary Public  
State of Florida at Large

My Commission Expires:



*Lisa A. Franchina*  
*Attorney at Law*  
*209 E. Ridgewood Street, Orlando, FL 32801*

*Telephone:*  
*(407) 832-2000*

*Facsimile:*  
*(407) 872-1874*

July 21, 2005

**RE: JUDGE ALAN TODD**

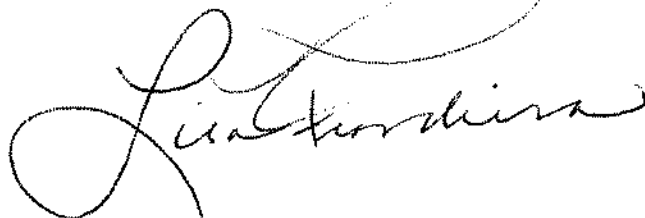
To whom it may concern:

I have been practicing law in Orange County, Florida since 1990. Early in my career, I was assigned to Judge Alan Todd's courtroom as an Assistant Public Defender and during that time period, I appeared before Judge Todd on a daily basis. Since leaving the Public Defender's Office, I have had the pleasure of appearing before Judge Todd on numerous occasions.

I have always found Judge Todd to be even-tempered, respectful, fair, and above all, compassionate. I have never observed Judge Todd treat anyone, including attorneys, defendants, or Court personnel, in an inappropriate or disrespectful manner. To the contrary, I believe that Judge Todd's conduct has always been exemplary. Judge Todd is an excellent judge and a credit to the bench.

If I can provide any further information regarding Judge Todd, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Franchina". The signature is fluid and elegant, with a large initial "L" and a long, sweeping underline.

Lisa A. Franchina, Esquire

npd/LAF